

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph
- 2 and insert:
- 3 "SECTION 1. IC 2-5-23-5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The commission has
- 5 the following voting membership:
- 6 (1) The members of the senate ~~planning health~~ and ~~public~~
- 7 ~~provider~~ services committee.
- 8 (2) The members of the house public health committee.
- 9 SECTION 2. IC 2-5-23-13 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The chairman
- 11 of the senate ~~planning health~~ and ~~public service provider services~~
- 12 committee is the chairman of the commission beginning May 1 of
- 13 odd-numbered years and vice chairman beginning May 1 of
- 14 even-numbered years.
- 15 (b) The chairman of the house public health committee is the
- 16 chairman of the commission beginning May 1 of even-numbered years

1 and vice chairman beginning May 1 of odd-numbered years."

2 Page 1, between lines 7 and 8, begin a new paragraph and insert:

3 "SECTION 4. IC 16-28-4-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A person who
5 believes that this article or ~~rules~~ **a rule** adopted under this article ~~have~~
6 **has** been breached may file an allegation of breach with the state
7 department. The allegation ~~must~~ **may** be **made orally or** in writing.
8 ~~unless the breach complained of is an offense or a deficiency: The~~
9 **state department shall reduce** an oral allegation of breach ~~shall be~~
10 **reduced** to writing. ~~by the state department:~~

11 SECTION 5. IC 16-28-4-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The division shall
13 promptly investigate ~~the following:~~

14 (1) ~~A written~~ **each** allegation of breach received under this
15 chapter.

16 (2) ~~An oral allegation of breach that the director, in the director's~~
17 ~~discretion, believes to have merit."~~

18 Page 4, delete lines 32 through 42, begin a new paragraph and
19 insert:

20 "SECTION 9. IC 16-28-5-12 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 1999]: **Sec. 12. (a) This section applies to a:**

23 (1) **Level 4 breach;**

24 (2) **Level 3 breach; and**

25 (3) **Level 2 breach that is a repeat of the same Level 2 breach**
26 **within a fifteen (15) month period.**

27 (b) **If the state department determines that a health facility has**
28 **committed a breach described in subsection (a), the state**
29 **department shall provide to the health facility a letter of**
30 **notification to patients and their legal representatives.**

31 (c) **The letter required under subsection (b) must include**
32 **information concerning:**

33 (1) **the determination of the breach; and**

34 (2) **any orders imposed for the breach.**

35 SECTION 10. IC 16-28-5-13 IS ADDED TO THE INDIANA
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 1999]: **Sec. 13. (a) A health facility that**
38 **receives letters from the state department under section 12 of this**

chapter shall send to each patient and the legal representative of each patient a copy of the letter of notification under section 12(b) of this chapter.

(b) The health facility shall bear the cost of duplicating and sending the letters required under this section.

SECTION 11. IC 16-28-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 14. The state department may adopt rules to implement this chapter.**

SECTION 13. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on health facilities established by subsection (d).

(b) As used in this SECTION, "health facility" has the meaning set forth in IC 16-18-2-167.

(c) As used in this SECTION, "state department" refers to the state department of health established by IC 16-19.

(d) The interim study committee on health facilities is established to study the following:

(1) The establishment of minimum staffing levels and training levels for the employees of health facilities. Areas of training to be studied must include the special needs of individuals with Alzheimer's disease and other related disorders.

(2) Possible alternatives for changing the method of investigation and resolution of complaints involving health facilities by the state department.

(3) Other topics assigned by the legislative council.

(e) The committee consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) Three (3) members at large appointed by the governor. The members appointed under this subdivision may not have a financial interest in a health facility or represent the interests of health facilities or health facility residents. Not

more than two (2) members appointed under this subsection may be members of the same political party.

(4) One (1) member appointed by the governor who is a resident of a health facility.

(5) One (1) member appointed by the governor who is affiliated with advocacy groups for residents of health facilities.

(6) Two (2) members appointed by the governor who are family members of health facility residents.

(7) One (1) member appointed by the governor who is affiliated with operators of health facilities.

(8) The commissioner of the state department or the commissioner's designee.

The governor shall make the appointments required by subdivisions (3) through (7) before June 1, 1999.

(f) The chairman of the legislative council shall designate a legislative member of the committee to serve as chairman of the committee.

(g) Seven (7) members of the committee constitute a quorum.

(h) The affirmative votes of at least seven (7) members of the committee are required for the committee to take any action, including the approval of a final report.

(i) Each legislative member and each lay member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

(j) The legislative services agency shall provide the staff support necessary for the operation of the committee.

(k) The committee shall submit a report to the legislative council by November 1, 1999.

(l) The committee shall operate under the rules and procedures of the legislative council.

(m) This SECTION expires January 1, 2000.

SECTION 14. [EFFECTIVE UPON PASSAGE] The state department of health and the long term care ombudsman office established under IC 12-10-13-7:

(1) shall develop; and

1 **(2) may periodically revise;**
2 **uniform forms to carry out the requirements of IC 16-28-5-12, as**
3 **added by this act.**

4 SECTION 15. **An emergency is declared for this act."**

5 Delete page 5.

6 Renumber all SECTIONS consecutively.

(Reference is to SB 526 as printed February 26, 1999.)

and when so amended that said bill do pass.

Representative Brown C